

# APPENDIX

## B

Application No. 10/553,652  
Paper Dated: August 23, 2006  
In Reply to USPTO Correspondence of 06/28/2006  
Attorney Docket No. 5000-053079

Customer No. 28289

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/553,652  
Applicants : Eugene SHERRY et al.  
Received : October 14, 2005  
Title : A SUPPORT ARRANGEMENT FOR USE  
: IN SUPPORTING A BONE DURING A  
: SURGICAL OPERATION  
International Application : No. PCT/AU2004/000486  
International Filing Date : 14 April 2004  
Priority Date Claimed : 14 April 2003  
Confirmation No. : 3727

**MAIL STOP PCT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Attention: DO/EO/US**

**LETTER RE COMPLETION OF FILING REQUIREMENTS FOR  
INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL  
STAGE IN U.S. ELECTED OFFICE (EO/US) UNDER 35 USC 371**

Sir:

In response to Document PCT/DO/EO/905 regarding "Notification of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US)" and mailed June 28, 2006, attached hereto are the following documents to complete the United States national phase of the above-identified application:

"EXPRESS MAIL" mailing label number EV908693109US

Date of Deposit August 23, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Nora Ann Pastrick

(Type or print name of person mailing paper)

*Nora Ann Pastrick*

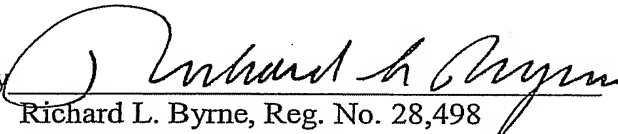
(Signature of person mailing paper)

1. the Combined Declaration and Power of Attorney executed by the inventors; and
2. the required copy of the above-mentioned "Notification" to be returned with response.

The Commissioner for Patents is hereby authorized to charge any additional fees as set forth in 37 CFR 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account No. 23-0650. The original and one copy of this Letter are attached.

Respectfully submitted,

THE WEBB LAW FIRM

By   
Richard L. Byrne, Reg. No. 28,498  
Attorney for Applicants  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
Telephone No.: 412/471-8815  
Facsimile No.: 412/471-4094  
E-Mail: [webblaw@webblaw.com](mailto:webblaw@webblaw.com)

**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**A SUPPORT ARRANGEMENT FOR USE IN SUPPORTING  
A BONE DURING A SURGICAL OPERATION**

(Invention Title)

the specification of which:

☐ is filed concurrently herewith.

OR

☐ was filed as U.S. Application No. \_\_\_\_\_ on \_\_\_\_\_ (mm/dd/yyyy) and was amended on \_\_\_\_\_ (mm/dd/yyyy).  
(if applicable)

OR

☒ was filed as PCT International Application No. PCT/AU2004/000486 on 04/14/2004 (mm/dd/yyyy) and was amended under PCT Article 19 on \_\_\_\_\_ (mm/dd/yyyy) and/or PCT Article 34 on \_\_\_\_\_ (mm/dd/yyyy).  
(if applicable) (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I do not know and do not believe that the invention was ever known or used in the United States before my invention thereof; or patented or described in any printed publication in any country any time by others before my invention or by anyone more than one year prior to this application; or in public use or on sale in the United States by anyone more than one year prior to this application.

I do not know and do not believe that the invention has been patented or caused to be patented, or was the subject of an inventor's certificate, by me or my legal representatives or assigns in any country foreign to the United States on a patent application or inventor's certificate filed more than twelve months, or six months for a design application, prior to the filing date in the United States of this application.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or (f), or §365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATION NO.	COUNTRY	FOREIGN FILING DATE (mm/dd/yyyy)	PRIORITY NOT CLAIMED	CERTIFIED COPY ATTACHED?	
2003 901738	Australia	04/14/2003	<input type="checkbox"/>	YES <input type="checkbox"/>	NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NO.	FILING DATE

I hereby appoint the practitioners associated with

**Customer Number 28289**

to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

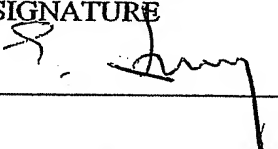
**Please send all correspondence to Customer Number 28289.**

**Please direct all telephone calls to Russell D. Orkin, at telephone number (412) 471-8815.**

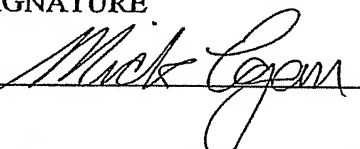
The law firm of **THE WEBB LAW FIRM** whose address is 700 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219-1845, Telephone No. 412-471-8815 has been assigned Customer Number 28289 by the United States Patent and Trademark Office.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1.

FULL NAME OF INVENTOR	
Eugene SHERRY	
INVENTOR'S SIGNATURE 	DATE 19/7/06.
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MAILING ADDRESS	
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2.

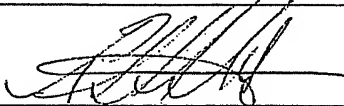
FULL NAME OF INVENTOR	
Michael EGAN	
INVENTOR'S SIGNATURE 	DATE 19-07-06
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MAILING ADDRESS	
62 Tulloch Street, Blacktown, New South Wales 2148, AUSTRALIA	

\* Before signing this declaration each person signing must:

1. Review the declaration and verify the correctness of all information therein; and
2. Review the specification and the claims, including any amendments made to the claims.

☒ Checked Box indicates \_\_\_\_\_ additional page(s) for inventor signatures.

3.

FULL NAME OF INVENTOR	
Bob LYE	
INVENTOR'S SIGNATURE	DATE
	25.7.06
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6 Roger Street, Brookvale, New South Wales 2100, AUSTRALIA	
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MAILING ADDRESS	
6 Roger Street, Brookvale, New South Wales 2100, AUSTRALIA	

4.

FULL NAME OF INVENTOR	
INVENTOR'S SIGNATURE	DATE
RESIDENCE	
COUNTRY OF CITIZENSHIP	
MAILING ADDRESS	

5.

FULL NAME OF INVENTOR	
INVENTOR'S SIGNATURE	DATE
RESIDENCE	
COUNTRY OF CITIZENSHIP	
MAILING ADDRESS	

\* Before signing this declaration each person signing must:

1. Review the declaration and verify the correctness of all information therein; and
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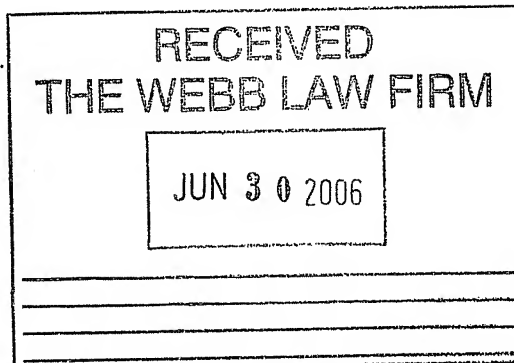


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/553,652	Eugene Sherry	5000-053079

28289  
THE WEBB LAW FIRM, P.C.  
700 KOPPERS BUILDING  
436 SEVENTH AVENUE  
PITTSBURGH, PA 15219



INTERNATIONAL APPLICATION NO.	
PCT/AU04/00486	
I.A. FILING DATE	PRIORITY DATE
04/14/2004	04/14/2003

CONFIRMATION NO. 3727  
371 FORMALITIES LETTER



\*OC000000019410461\*

Date Mailed: 06/28/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 10/14/2005
- Copy of the International Search Report filed on 10/14/2005
- Preliminary Amendments filed on 10/14/2005
- Small Entity Statement filed on 10/14/2005
- U.S. Basic National Fees filed on 10/14/2005
- Substitute Specification filed on 10/14/2005
- Priority Documents filed on 10/14/2005
- Specification filed on 10/14/2005
- Claims filed on 10/14/2005
- Abstracts filed on 10/14/2005
- Drawings filed on 10/14/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.492(c).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/553,652	PCT/AU04/00486	5000-053079

FORM PCT/DO/EO/905 (371 Formalities Notice)